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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/548,317

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EXAMINER

PAYER, PAUL F

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/548,317	Applicant(s) KOIE ET AL.	
	Examiner PAUL F. PAYER	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22,24-28,30-34 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-22,24-28,30-34,38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 6/8/2009 has been entered. Claims 21-22, 27-28, and 33-34 have been amended. Claims 23, 29 and 35-37 have been cancelled. No claims have been added. Claims 21-22, 24-28, 30-34 and 38-40 are still pending in the application, with claims 21, 27 and 33 being independent.

Response to Arguments

2. Applicant's arguments, see page 7, filed 6/8/2009, with respect to the **U.S.C, 101 rejection(s) for Claims 27-32** have been fully considered and are persuasive. The U.S.C, 101 rejections for Claims 27-32 have been withdrawn.

3. Applicant's arguments, see page 7, filed 6/8/2009, with respect to the **U.S.C, 112, first paragraph rejection(s) for Claims 27-32** have been fully considered and are persuasive. The U.S.C, 112, first paragraph rejections for Claims 27-32 have been withdrawn.

4. Applicant's arguments, see pages 7-9, filed 6/8/2009, with respect to the **35 U.S.C, 102(b) and 103(a) rejection(s) for Claims 21-22, 24-28, 30-34 and 38-40** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claim 27 is objected because of the following informalities: On page 3, line 4 applicant recites: "the computer-readable program". The examiner believes this is to be

Art Unit: 2625

a typographical error and that it should read "the computer-readable storage medium", based on the pattern of the claim. The examiner will treat the claim as such and requests appropriate correction.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 21-22, 24-28, 30-34 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block (U.S. 2003/0143012) and Payne (U. S. 2005/0099442).**

Regarding claim 21 (Currently Amended), Block discloses a print control device employed for printing a character string including characters and/or symbols on a plurality of labels arranged on a long tape-like print medium along the length of the print medium (Figs. 1 and 6 and [0008], the print control device of Fig. 1 prints labels consisting of characters and symbols on a tape), comprising:

a character string memory which stores a character string to be printed ([0035]/lines 3-9, in one mode of operation, label data is stored in a file on the computer that controls the printing device);

a separating point detecting unit that detects one or more separating points in the character string stored in the character string memory based on a separation condition

Art Unit: 2625

as a particular character string arrangement condition ([0037], the separation condition disclosed is the end of the line; the separating point detecting unit is implicit); and

a character string separating unit that lets character strings, obtained by separating the character string stored in the character string memory at the separating points detected by the separating point detecting unit, be separately printed on different labels on the print medium (Fig. 5, [0008] and [0078]).

Block does not disclose a separation condition memory and an alteration unit which alters memory contents of the separation condition memory.

However, Payne discloses a printing system using a template containing miscellaneous attributes and print data, the printer creating a composite image to be printed by merging the template and the print data (Fig. 1, [0009] and [0026]). The template attributes may include delimiting characters for separating print field data, such as a comma, a semi-colon, a colon or a period, and the delimiting characters may be configurable ([0033]).

Payne's system features:

a separation condition memory that stores at least one selected from an editing code, a single character, a particular character string and a particular character string attribute as the separation condition (Fig. 2 and [0028], template attributes 36, provided from host system 30 are stored in the memory 12 of printer 10); and

an alteration unit which alters memory contents of the separation condition memory (Fig. 2 and [0028], the configurable template attributes, stored in the printer memory 12 may be altered by the host 30 issuing a command 38 or by reloading a

Art Unit: 2625

different template attribute file from the removable memory device 24 or host system 30).

The examiner notes that as framed, the claim requires only that the memory where the separation condition is stored be altered and not that the separation condition be altered (presumably by replacing a separation condition with a different separation condition). Nor does the claim language restrict the type of memory or the time of the alteration. The mere fact of copying the template attributes to the working memory of printer 10 would read on the claim language since working memory of a printer is inherently alterable).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied Payne's teachings with regard to configurable delimiting characters to Block's print control device so that the device may be used with print character string data that may use different delimiting characters to indicate a separation condition.

Regarding claim 22 (dependent on claim 21, Currently Amended) Block and Payne disclose the separation condition memory storing the particular character string (Payne, [0033]).

Regarding claim 24 (dependent on claim 21, Previously Presented) Block and Payne disclose the character string separating unit being capable of changing positions of the character strings, obtained by the separation at the separating points detected based on the separation condition, on the print medium (Block, Fig. 8/item T3, the print

Art Unit: 2625

style of the character strings can change, which in general leads to the position of character strings changing as well).

Regarding claim 25 (dependent on claim 21, Previously Presented), Block and Payne disclose the separation condition in the character string indicating the separating points in the character string and a characters and/or symbol represented by the separation condition itself being printed on the labels (Block, [0037], the newline character is the separator character and it is being printed on the label as no character is printed on the line following the position where the newline character was found).

Regarding claim 26 (dependent on claim 21, Previously Presented), Block and Payne disclose the separation condition in the character string being used exclusively for indicating the separating points in the character string and no character or symbol represented by the separation condition itself being printed on the labels (Block, [0067], the separator condition is a blank line; no extraneous blank lines are being printed on the labels).

Claims 27-28 and 30-32 are directed to a computer-readable storage medium that stores a computer executable program that executes the logic of method claims 21-22 and 24-26 respectively. Block and Payne disclose such a computer-readable storage medium (Block, Fig. 3/item 104) and the claims are further rejected based on similar grounds as claims 21-22 and 24.26.

Claims 33-34 and 38-40 are method claims directed to the operation of apparatus claims 21-22 and 24-26 respectively and are rejected on the similar grounds.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL F. PAYER whose telephone number is (571) 270-7302. The examiner can normally be reached on Mon-Thu 6:15am-3:45pm, 2nd Fri of biweek 6:15am-2:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Q. Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benny Q Tieu/
Supervisory Patent Examiner, Art Unit 2625

/PAUL F. PAYER/
Examiner, Art Unit 2625